

House Bill 1175

By: Representative Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Port Wentworth; to provide for incorporation,
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;
3 to provide for a governing authority of such city and the powers, duties, authority, election,
4 terms, removal from office, method of filling vacancies, compensation, expenses, and
5 qualifications of members of such governing authority; to provide for oaths of office; to
6 provide for regular and special meetings; to provide for procedures related to meetings; to
7 provide for ordinances; to provide for codes; to provide for emergencies; to provide for
8 signing, authentication, and codification of ordinances; to provide for the office, powers,
9 duties, and removal of the city manager; to provide for the office of mayor and certain duties
10 and powers relative to the office of mayor; to provide for a mayor pro tem; to provide for
11 ethical responsibilities and prohibitions; to provide for inquiries and investigations; to
12 provide for administrative responsibilities; to provide for boards, commissions, and
13 authorities; to provide for a city attorney, city clerk, and other personnel; to provide for the
14 establishment of a municipal court and the judge or judges thereof; to provide for practices
15 and procedures; to provide for prosecuting attorneys and clerks of court for the municipal
16 court; to provide for city council districts and boundaries thereof; to provide for procedures
17 for municipal elections; to provide for taxation, permits, and fees; to provide for franchises,
18 service charges, and assessments; to provide for bonded and other indebtedness; to provide
19 for accounting and budgeting; to provide for contracting and purchasing; to provide for
20 bonds for officials; to provide for eminent domain; to provide for definitions and
21 construction; to provide for severability; to provide for related matters; to repeal a specific
22 Act; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

CREATION, INCORPORATION, AND POWERS

SECTION 1.10.

Reincorporation, name.

The City of Port Wentworth and the inhabitants thereof are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style of the City of Port Wentworth, and by that name shall have perpetual succession and shall hereinafter be referred to as "the city").

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of the city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the city may be shown on a map and/or by written metes and bounds legal description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Metes and Bounds Legal Description) of the Corporate Limits of the City of Port Wentworth, Georgia." Photographic, scanned, typed, or other copies of such map or metes and bounds legal description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for changes in or redraw the official map by ordinance to reflect lawful changes in the city's corporate boundaries.

SECTION 1.12.

Powers and construction.

(a) The city shall have all powers possible for a municipality to have under the Constitution and laws of the State of Georgia, as amended, as fully and completely as though they were specifically enumerated in this charter.

(b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city authorized by Constitution and laws of the State of Georgia, as amended.

SECTION 1.13.

Express powers.

Unless otherwise preempted by federal or state law, the corporate powers of the city may include, but are not limited to, the following:

(1) General health, safety, and welfare. To define, regulate, limit, or prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the residents, inhabitants, property owners, and business owners in the city, and to provide for the enforcement of such standards;

(2) The city, may sue and be sued, contract and be contracted with, plead and be impleaded, have and use a common seal, make and enact, through its mayor and city council, such ordinances, rules, regulations, and resolutions for the transaction of its business and for the welfare and proper government of the city as the mayor and city council deem best, and which shall be consistent with the laws of the State of Georgia and the United States of America;

(3) The city council may, and in like manner, use, manage and improve, and dispose of any property now owned or hereafter acquired by the city;

(4) Property taxes. To levy and to provide for the assessment, valuation of property, revaluation of property, and collection of taxes on all property subject to taxation;

(5) Other taxes. To levy and collect such other taxes as may be allowed now or in the future by state law;

(6) Special assessments. To levy, assess, and provide for the collection of special assessments to cover the costs and future maintenance for any public improvements;

(7) Contracts. The city shall have the power to enter into contracts, agreements, licenses, and memoranda of understanding or similar intergovernmental agreements with other governmental entities and with private persons, firms, limited liability companies, corporations, and other legal entities;

(8) Business regulation, taxation and fees. To levy and to provide for the collection of license fees, other fees, and taxes on businesses, types of businesses, privileges, occupations, trades, and professions as authorized by the O.C.G.A., as amended; to license and regulate the same; to provide for the manner and method of payment of such licenses, fees, and taxes; and to revoke such licenses after due process if the business becomes a nuisance, is dangerous, is hazardous, is injurious to the health or morals of the inhabitants of the city and for failure to abide by any federal, state, or local business regulations and/or to pay any city taxes or fees;

(9) Alcoholic beverages. The city shall have the power by ordinance to license and regulate alcoholic beverages within its territory in accordance with the general laws of the State of Georgia, as amended;

(10) Appropriations and expenditures. To make appropriations for the support of the government of the city, to authorize the expenditure of money for any purpose authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia, as amended, and to provide for the payment of expenses of the city;

(11) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia, as amended;

(12) Municipal property ownership. To acquire, dispose of, convey, transfer, lease, rent, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(13) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public, and to prescribe penalties and punishment for violations thereof;

(14) City, departments, and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city, and to confer upon such departments the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to same;

(15) Gifts. To accept or refuse gifts, donations, transfers, conveyances, bequests, or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(16) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to organize and operate a firefighting department;

(17) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to address and meet such an emergency for the protection, safety, health, or well-being of the citizens, inhabitants, property owners, and members of the business community of the city;

(18) Retirement and pensions. To provide and maintain a system of pensions, retirement and other employee benefit plans and programs for members of the governing authority, officers and employees of the city as provided by the O.C.G.A. and regulations, as amended;

(19) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use, and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in the O.C.G.A., or under other applicable public acts and regulations, as amended;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, storm water management, gas works, electric light plants, cable television, Internet, digital telecommunication, other telecommunication utilities, mobility utility, perishable goods utility, health utility, media utility, transportation facilities, public airports, and any other public utility as may be developed and approved in the future; to fix the taxes, charges, rates, fares, fees, and assessments on any public utility; and to provide for regulations, penalties, and withdrawal of service for refusal or failure to pay same, and the manner in which such remedies shall be enforced by the city;

(21) Public utilities and services. To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations by the Public Service Commission;

(22) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts, for the use of public utilities; and to require real estate property owners to keep the sidewalks adjoining their lots or lands clear and unobstructed, and to impose penalties for failure to do so;

(23) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, terminals, docks, boat ramps and other marine facilities, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal institutions, agencies, and facilities; to provide for in-patient and out-patient hospitals, ambulatory surgical centers, birth centers, blood banks, clinics and medical offices, dialysis centers, hospice facilities, imaging and radiology facilities, mental health and addiction treatment centers, nursing homes and skilled nursing facilities, orthopedic and rehabilitation facilities, urgent care and other medical facilities of any kind or nature; and to provide any other public improvements inside or outside the

corporate limits of the city; to regulate the use of public improvements; and for such purposes property may be acquired by condemnation under the O.C.G.A., or other applicable public acts and regulations as are or may be enacted or amended in the future;

(24) Building regulation. To regulate, permit, and/or license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas and heating and air conditioning, and other necessary codes and to regulate all housing, building, and building and construction trades;

(25) Planning and zoning. To provide such comprehensive city planning for development by zoning, subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

(26) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct drunkenness, riots, and public disturbances;

(27) Special areas of public regulation. To regulate or prohibit in a manner consistent with general law, junk dealers, pawnshops, the manufacture, sale or transportation of intoxicating liquors, the use and sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers, and itinerant trades, theatrical performances, exhibitions, parades, and shows of any kind whatever, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortune-telling, palmistry, adult bookstores, massage parlors, and adult establishments where nudity may be exhibited;

(28) Motor vehicles and public parking. To regulate the operation of motor vehicles and public parking and to exercise control over all traffic, upon or across the highways, streets, roads, alleys, and walkways of the city;

(29) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city, and to prescribe penalties and punishment for violation of such ordinances;

(30) Health and sanitation. To prescribe standards of health and sanitation, and to provide for the enforcement of such standards;

(31) Environmental protection: To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm water and establishment of a storm water utility, the management of solid and hazardous waste, and other

necessary actions for the protection of the environment; in a manner not inconsistent with the general laws of the State of Georgia, to regulate the emission of smoke, chemical and other noxious fumes, vehicle exhaust and other air pollutants which are admitted into the air space of the city; and to regulate and control any and all chemical, trash, unclean, impure, or corrupt material which may be exposed to the water flowing in, around, through, or into the aquifer beneath the city, and any stream or river in or adjacent to the city;

(32) Fire regulations. To fix and establish fire limits, and from time to time to extend, enlarge, or restrict same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;

(33) Public hazards and nuisances: Abatement and removal. A nuisance shall be defined and abated as provided by O.C.G.A. § 41-1-1 et seq., as amended; the city may provide for the condemnation, destruction, abatement, and removal of dwellings, buildings, or structures within the city which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, structures which are vacant and being used in connection with the commission of drug crimes, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions;

(34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, trash, and refuse and to regulate the collection and disposal of garbage, rubbish, trash, and refuse by residents, property owners, businesses, and others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and to provide for the disposal of such items;

(35) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, property owners, businesses, firms, limited liability companies, corporations, and other legal entities, incorporated in or outside the State of Georgia or residing in or doing business in the city or benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(36) Water and sewer fees. To levy, fix, assess, and collect a fee, charge, or tax as necessary to assure the acquisition, construction, equipping, operating, maintaining, and extension of a water filtration and distribution system or sewage disposal plant and sewerage system; to levy on the users of water or sewers and the sewerage system a water or sewer service charge fee or tax for the use of the water or sewer systems; and to provide for the manner and method of collecting such service charges; and for enforcing

235 payment of same; to charge, impose, and collect a water or sewer connection fee or fees;
236 and to charge the same from time to time such fees to be levied on the users connecting
237 with the water or sewerage systems;

238 (37) Jail sentences. To provide that persons given jail sentences in the city's municipal
239 court may work out such sentence in any public works or on the streets, roads, drains, and
240 squares in the city; or to provide for commitment of such persons to any jail, to provide
241 for the use of pretrial diversion and any alternative sentencing allowed by law, or to
242 provide for commitment of such persons to any county work camp or county jail by
243 agreement with the appropriate county officials;

244 (38) Animal regulations. To regulate and license, or prohibit the keeping or running at
245 large of, any type or kind of animals and fowl, and to provide for the impoundment of
246 same if in violation of any ordinance or lawful order; also to provide for their disposition
247 by sale, gift, or humane destruction when not redeemed as provided by ordinance; and
248 to provide punishment for violation of ordinances enacted hereunder;

249 (39) Taxicabs or other vehicles for hire. To regulate and license vehicles operated for
250 hire in the city; to limit the number of such vehicles; to require the operators thereof to
251 be licensed; to require public liability insurance on such vehicles in the amounts to be
252 prescribed by ordinance; and to regulate the parking of such vehicles;

253 (40) Urban redevelopment. To organize and operate an urban redevelopment program;

254 (41) Public transportation. To organize and operate such public transportation systems
255 as are deemed beneficial;

256 (42) Penalties. To provide penalties for violations of any ordinance adopted pursuant to
257 the authority of this charter and the laws of the State of Georgia;

258 (43) Other powers. To exercise and enjoy other powers, functions, rights, privileges, and
259 immunities necessary or desirable to promote or protect the safety, health, peace, security,
260 good order, comfort, convenience, or general welfare of the city and its inhabitants; and
261 to exercise all implied powers necessary to carry into execution all powers granted in this
262 charter as fully and completely as if such powers were fully stated herein; and to exercise
263 all powers now or in the future authorized to be exercised by municipal corporations
264 under other laws of the State of Georgia. No listing of particular powers in this charter
265 shall be held to be exclusive of others, nor restrictive of general words and phrases
266 granting powers, but shall be held to be in addition to such powers, unless expressly
267 prohibited to municipalities under the Constitution or laws of the State of Georgia.

SECTION 1.14.**Exercise of powers.**

All powers, functions, rights, privileges, and immunities of the city, its officers, departments, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such powers shall be carried into execution as provided by the general laws of the State of Georgia or, in such an absence, the ordinances of the city.

ARTICLE II**GOVERNMENT STRUCTURE****SECTION 2.10.****City council creation; composition; number; election.**

The legislative authority of the government of the city, except as otherwise specifically provided in this charter or by operation of Georgia law, shall be vested in a city council to be composed of a mayor plus six councilmembers (hereinafter referred to as "city council" or "mayor and city council"). The mayor and councilmembers shall be elected in the manner provided by Articles II and V of this charter and the general laws of the State of Georgia.

SECTION 2.11.**General power and authority of the city council.**

(a) Except as otherwise provided by this charter, the city council shall be vested with all the powers of a municipal government as provided by the Constitution and the general laws of the State of Georgia and this charter.

(b) In addition to all of the powers conferred upon it by law, the city council shall have the residual authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter, the Constitutions and laws of the State of Georgia and the United States, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the city and may enforce such ordinances by imposing penalties for violations thereof.

SECTION 2.12.

Oath of office.

The mayor, each councilmember, and each appointed officer of the city, before entering upon the duties of office, shall take and subscribe the following oath, in substantially the following form:

"I do solemnly swear (or affirm) that I will faithfully perform the duties of (state your office) of the City of Port Wentworth and that I will support and defend the charter thereof as well as the Constitutions and laws of the State of Georgia and the United States of America.

I am not the holder of any unaccounted for public money due to the State of Georgia or any political subdivision thereof.

I am not the holder of any office of trust under the government of the United States, another state, or any foreign state which I, by the laws of the State of Georgia, am prohibited from holding.

I am qualified to hold this office according to the Constitution and laws of the State of Georgia. I have been a resident of my district and the City of Port Wentworth for the time required by the Constitution, the laws of the state and by the city's charter.

I will perform the duties of my office to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.13.

Regular and special meetings.

(a) Regular meetings. The city council shall hold regular meetings at such times and places as prescribed by ordinance.

(b) Special meetings. Special meetings of the city council may be held on call of the mayor only, except in the case of emergencies as outlined in Section 2.19 of this charter. Notice of special meetings shall be served on all other councilmembers personally, by telephone, by electronic mail, or by other reasonable means at least 24 hours in advance of the special meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the special meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the mayor's call for special meeting may be transacted at any called special meeting.

328 (c) Open meetings. All meetings of the city council at which any official action is to be
329 taken shall be open to the public to the extent required by Chapter 14 of Title 50 of the
330 O.C.G.A.; and notice of such meetings, whether regular or special, shall be made fully and
331 in accordance with Georgia law, notwithstanding the waivers allowed for councilmembers
332 set forth in subsection (b) of this section.

333 **SECTION 2.14.**

334 Rules of procedure.

335 At the first city council meeting in January for each general municipal election, the city
336 council shall consider and approve procedural and parliamentary rules for all official
337 meetings to be conducted by city council for the next two-year term.

338 **SECTION 2.15.**

339 Minutes of official meetings.

340 The city clerk or appropriate designee shall keep a detailed record and minutes of the city
341 council's official proceedings, which shall be the official public record.

342 **SECTION 2.16.**

343 Quorum; voting; absences.

344 (a) Four councilmembers, including the mayor, shall constitute a voting quorum and the
345 quorum shall be authorized to transact official business of the city council. Voting on the
346 adoption of ordinances, resolutions, and motions shall be taken by voice vote and the ayes
347 and nays shall be recorded in the minutes, but any single member of the city council shall
348 have the right to request a roll call vote. The affirmative vote of a majority of those
349 councilmembers present at an official meeting shall be required for the adoption of any
350 ordinance, resolution, or motion, except as otherwise may be allowed in this charter.

351 (b) Absences by councilmembers. Except in emergency situations where advance notice
352 that a councilmember cannot attend an official meeting, councilmembers shall be required
353 to send written notice, electronically or otherwise, to the mayor and council, city clerk and
354 city manager that the councilmember will be unable to attend an official meeting, including
355 a general reason for the absence. The city clerk shall make the absent councilmember's
356 written notice a part of the official minutes of the official meeting.

357 (c) No member of the city council shall abstain from voting on any matter properly brought
358 before the city council for official action except when such councilmember has a conflict of

interest which is disclosed as soon as a conflict becomes known, prior to or at the meeting and shall be made a part of the minutes in accordance with this article. Any member of the city council present and eligible to vote on a matter and refusing to do so, for any reason other than a properly disclosed and recorded conflict of interest, shall be deemed to have acquiesced in or concurred with the members of the majority who did vote on the question involved and that member's vote shall be recorded in the minutes as a vote with the majority who did vote.

SECTION 2.17.

Ordinance form; procedure.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Mayor and Council of the City of Port Wentworth hereby ordain. . ." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and read at a regular or special meeting of the city council. Ordinances shall be considered, amended, adopted, or rejected by the city council in accordance with the rules which it shall establish in Section 2.14 of this charter. An ordinance shall not be adopted the same day it is introduced but shall require two readings before a vote may be taken, except for emergency ordinances provided for in Section 2.19 of this charter. Upon introduction of any ordinance, the city clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk, on the city's website, and at such other public places as the city council may designate.

SECTION 2.18.

Actions requiring an ordinance.

(a) In addition to other acts required by general state law or by specific provisions of this charter to be done by ordinance, official acts of the city council which have the force and effect of law shall be done by legislative ordinance which prescribe general, uniform, and permanent rules of conduct relating to the corporate affairs of the city. All ordinances shall be submitted, approved, or disapproved, as herein provided. A duly enacted ordinance may only be amended or repealed by separate ordinance, following the same rules as an ordinance is enacted. All other actions of the city shall be by resolution which shall deal with matters of a special or temporary character or being an expression of opinion or policy concerning some particular item of business coming before city council.

392 (b) The advertising of any city council action or ordinance shall be accomplished by
393 publishing the notice of the proposed action in a newspaper of general circulation within the
394 city; and the notice shall be given in writing setting forth the date, time, and place of the
395 public hearing. The newspaper having general circulation within the city may be designated,
396 changed, or redesignated from time to time by separate ordinance.

397 (c) In addition to advertising in a newspaper of general circulation, the city clerk shall cause
398 to be placed every proposed legislative ordinance or action on the city's website for public
399 review and at such other public places as the city council may designate.

400 **SECTION 2.19.**

401 **Emergencies and emergency ordinances.**

402 (a) To meet a public emergency affecting life, health, property, or public peace, the city
403 council may convene on call of the mayor alone, or four councilmembers, and promptly
404 adopt an emergency ordinance, but such ordinance may not levy taxes, grant, renew or
405 extend a franchise, regulate the rate charged by any public utility for its services, or authorize
406 the borrowing of money, except for loans to be repaid by the city within 30 days. An
407 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
408 except that it shall be plainly designated as an emergency ordinance and shall contain, after
409 the enacting clause, a declaration stating that an emergency exists and describing the
410 emergency in clear and specific terms. An emergency ordinance may be adopted with or
411 without amendment or rejected at the meeting at which it is introduced, but the affirmative
412 vote of at least three councilmembers shall be required for adoption. It shall become
413 effective upon adoption or at such later time as the emergency ordinance may specify. Every
414 emergency ordinance shall automatically stand repealed 30 days following the date upon
415 which it was adopted, but this shall not prevent reenactment of an emergency ordinance in
416 the manner specified in this section if the stated emergency still exists. An emergency
417 ordinance may also be repealed by adoption of a repealing ordinance in the same manner
418 specified in this section for adoption of emergency ordinances.

419 (b) Emergency meetings shall be open to the public to the extent required by law and notice
420 to the public of emergency meetings shall be made as fully as is reasonably possible in
421 accordance with this charter and Chapter 14 of Title 50 of the O.C.G.A.

SECTION 2.20.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally, except that:

(1) The requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.21 of this charter.

(b) Copies of all adopted code of technical regulations shall be made available by the city clerk for public review, for purchase at a reasonable price or reference provided to members of the public where an adopted technical code may be purchased online or elsewhere.

SECTION 2.21.

Clerk's signing; authenticating; recording; codification; printing.

(a) The city clerk shall authenticate by his or her signature, and record in full in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the city council.

(b) The city council shall provide for the preparation and printing of a general codification of all of the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may approve. This compilation shall be known and cited officially as "The Code of the City of Port Wentworth, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city, and be made available for purchase by the public at a reasonable price by the city council or reference provided to the public where the code may be purchased or found.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council or reference provided to members of the public where the ordinances and charter amendments may be purchased or found. Following publication of the code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then currently in effect, and shall be suitable in

456 form for incorporation therein. The city council shall make such further arrangements as
457 deemed desirable with respect to reproduction and distribution of any current changes in or
458 additions to codes of technical regulations and other rules and regulations included in the
459 code.

460 **SECTION 2.22.**

461 City manager.

462 The city council shall appoint a city manager, also known as the manager, for an indefinite
463 term and shall fix the city manager's compensation by written agreement including the terms
464 and conditions of the city manager's employment. The city manager shall be appointed
465 solely on the basis of executive and administrative qualifications and in accordance with any
466 approved city personnel policies.

467 **SECTION 2.23.**

468 Powers and duties of the city manager.

469 The city manager shall be the chief executive officer and administrator of the city. The city
470 manager shall be responsible to the city council for the administration of all city affairs
471 placed in the city manager's charge by this charter. As the chief executive and administrative
472 officer, the city manager shall:

473 (1) When the city manager deems it necessary for the good of the city, appoint, suspend,
474 or remove any city employee, administrative officers, and department heads the city
475 manager is authorized to appoint, except as otherwise provided by law, this charter or
476 personnel ordinances adopted pursuant to this charter. The city manager may authorize
477 any administrative officer or department head who is subject to the city manager's
478 direction and supervision to exercise these powers with respect to subordinates in that
479 officer's department, office, or agency;

480 (2) Direct and supervise the administration of all departments, offices, and agencies of
481 the city, except as otherwise provided by this charter or by law;

482 (3) Attend all city council meetings except for closed meetings held for purposes of
483 deliberating on the appointment, discipline, or removal of the city manager and shall have
484 the right to take part in discussions, but not vote;

485 (4) See that all laws, provisions of this charter, and acts of the city council subject to
486 enforcement by the city manager or by officers subject to the city manager's direction and
487 supervision, are faithfully executed;

- (5) Prepare and submit the annual operating budget and capital budget to the city council;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable and necessary; and
- (9) Perform other such duties as specified in the charter or as may be required by the city council.

SECTION 2.24.

Removal of city manager.

- (a) The city council may remove the city manager from office, for cause, in accordance with the following due process procedures:
- (1) The city council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal for cause and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
- (2) Within five days after a copy of the resolution is delivered to the city manager, the manager may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing;
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this subsection, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of its members;
- (4) If the city manager has requested a public hearing, the city council may present witnesses and evidence and the city manager may present witnesses and evidence in his or her defense. At any time after the public hearing, the city council shall consider a final resolution for removal. The vote shall be by affirmative vote of a super-majority of five councilmembers. If the city council vote is to remove the city manager, such resolution may be effective immediately or at such other date the city council shall prescribe; and

522 (5) At the city council's discretion, the city manager may continue to receive a salary
523 until the effective date of a final resolution of removal is adopted by council.
524 (b) Except as to removal for cause, any written agreement between the parties shall control
525 the rights, duties, and responsibilities as to removal of the city manager.

526 **SECTION 2.25.**

527 Acting city manager.

528 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
529 city council, a qualified city administrative officer, to exercise the powers and perform the
530 duties of city manager during the manager's temporary absence or physical or mental
531 disability. During such absence or disability, the city council may revoke such designated
532 administrative officer at any time and appoint another administrative officer to serve until
533 the city manager shall return or the city manager's disability shall cease.

534 **SECTION 2.26.**

535 Involvement and interference with city administration.

536 The city council shall deal with city officers and employees who are subject to the direction
537 and supervision of the city manager solely through the city manager, and neither the city
538 council nor its members shall give orders or directions involving city business to any officer
539 or employee, either publicly, privately, directly, or indirectly.

540 **SECTION 2.27.**

541 Election of mayor.

542 At every other regular municipal election under Article V of this charter, the voters of the
543 city shall elect a mayor, at large, for a term of four years.

544 **SECTION 2.28.**

545 Powers and duties of mayor.

546 The mayor shall:

- 547 (1) Preside at all meetings of the city council; see that all meetings are conducted in a
548 parliamentary manner; and preserve order and decorum in such meetings;
549 (2) See that all laws, ordinances, rules, regulations, and resolutions of the city council
550 are faithfully executed and enforced by the city manager;

- (3) See that all funds of the city are properly accounted for and that all revenues are properly collected by the city manager;
- (4) Inform the city council from time to time of the general condition of the city and its affairs;
- (5) Be the chief advocate of city policy and recommend such measures or policies to city council as he or she deems necessary or expedient for the health, safety, and welfare of the city and its inhabitants;
- (6) Vote, if necessary, to make a quorum at any meeting; and vote, if necessary, in the case of a tie vote by councilmembers;
- (7) Be an ex officio member of all committees and boards approved by city council;
- (8) Be the head of the city for the purpose of service of legal process and for ceremonial purposes, and be the official spokesperson for the city;
- (9) Be authorized to call special and emergency meetings of city council as he or she deems necessary and expedient;
- (10) Have the power to administer oaths and take affidavits;
- (11) Execute, sign, and bind the city on all written and approved contracts, ordinances, resolutions, and other legal instruments executed by the city which are, by law, required to be in writing; and
- (12) To do such acts and things as may be proper and necessary in the proper conduct of the affairs of the city and as may be authorized by this charter, ordinances, or the general laws of the State of Georgia.

SECTION 2.29.

Position of mayor pro tem.

- (a) By a majority vote of city council, with a nominated councilmember having no vote, the city council shall elect a councilmember to serve as mayor pro tem for a two-year term. The mayor pro tem shall be elected at the first city council meeting of a new city council term in January of each even year, beginning in 2022. In the event city council does not elect a mayor pro tem in January of the new term, the city council shall attempt to elect a mayor pro tem in February and March at any regular or specially called meeting. If the city council does not elect a mayor pro tem by April 1 of the new term, the mayor shall appoint the most recently elected at-large councilmember to serve as mayor pro tem for the new two-year term of city council.
- (b) During a scheduled or unscheduled absence, the physical or mental disability of the mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council,

586 shall be granted with all the rights and privileges of the mayor and shall perform the duties
587 of the office of the mayor as mayor pro tem for so long as the mayor's absence or disability
588 shall continue. Any such absence or disability of the mayor or mayor pro tem shall be
589 declared by majority vote of all remaining councilmembers.

590 (c) The mayor pro tem or selected councilmember shall sign all contracts and ordinances in
591 which the mayor has a disqualifying financial or other conflict of interest as provided in
592 Section 2.35 of this charter.

593 (d) When acting as mayor, the mayor pro tem shall have one vote as a councilmember and
594 shall not have a second vote as mayor or otherwise.

595 **SECTION 2.30.**

596 City council terms and qualification for office.

597 (a) The mayor and councilmembers shall serve terms of four years and shall be elected as
598 provided for in Article V of this charter.

599 (b) No person shall be eligible to serve as mayor unless that person shall have been a
600 full-time resident of the city for at least two consecutive years prior to the date of election,
601 shall have attained the age of 25 years prior to the date of election, shall be a full-time
602 resident in the city during the mayor's full term of office, and shall be registered to vote and
603 legally qualified to run as a candidate in a municipal election of the city.

604 (c) No person shall be eligible to serve as a councilmember unless that person shall have
605 been a full-time resident of the city for at least six months prior to the date of election, shall
606 have attained the age of 21 years prior to the date of election, shall be a full-time resident in
607 the city during the councilmember's full term of office, and shall be registered to vote and
608 legally qualified to run as a candidate in a municipal election of the city.

609 **SECTION 2.31.**

610 Procedure for mayor and councilmembers seeking other elected offices.

611 The office of any city elected official shall be declared vacant and the official shall resign
612 from his or her office upon such elected official qualifying, in a general or special election,
613 for another federal, state, county, or municipal elective office. The vacancy created in any
614 such office shall be filled as provided by the Georgia Constitution, general laws of the state,
615 this charter, or ordinance.

SECTION 2.32.

Vacancy; filling of vacancies.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the Georgia Constitution or state law.

(b) Filling of vacancies. A vacancy in the office of councilmember shall be filled for the remainder of the unexpired term of the councilmember by appointment by a majority vote of city council of those members remaining, if less than 24 months remains in the councilmember's unexpired term. If a vacancy occurs 24 months or more prior to the expiration of the term of the vacant councilmember's office, the city council shall call for a special election to fill the remainder of the unexpired term, as provided for in this charter and in accordance with state law.

(c) If the office of mayor shall become vacant at any time during his or her term of office, the mayor pro tem shall serve the remainder of the unexpired term, and the mayor pro tem's position as councilmember shall be filled by appointment by the city council in accordance with subsection (b) of this section.

(d) The provisions of this section shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

SECTION 2.33.

Compensation and expenses.

(a) The mayor and councilmembers shall receive compensation for their service in such amounts as may be approved by city council by ordinance.

(b) The mayor and councilmembers shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

SECTION 2.34.

Authority to create voting districts.

The city is hereby authorized and empowered to divide, subdivide or re-divide the real properties or lands within the corporate limits of the city into voting districts, and to define the boundaries of each voting district within the limits of the city, and to name or number or letter said voting districts. In so doing, the city shall comply with the Constitutions and laws of the United States and the State of Georgia, including but not limited to applicable regulations of the United States of America. Subject to the limitations of state or federal law,

648 the city is authorized to reapportion voting districts following publication of the United
649 States decennial census.

650 **SECTION 2.35.**

651 Ethical responsibilities and prohibitions.

652 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
653 city and shall act in a fiduciary capacity for the benefit of the city and its residents.

654 (b) Conflicts of interest. No elected official, appointed officer, or employee of the city, its
655 departments, boards, agencies, or political entities to which this charter applies shall
656 knowingly:

657 (1) Engage in any business or transaction or have a financial or other personal interest,
658 direct or indirect, which is incompatible with the proper discharge of that person's official
659 duties or which would tend to impair the independence of the person's judgment or action
660 in the performance of his or her official duties;

661 (2) Engage in or accept private employment or render services for private interests when
662 such employment or service is incompatible with the proper discharge of that person's
663 official duties or would tend to impair the independence of the person's judgment or
664 action in the performance of his or her official duties;

665 (3) Disclose, intentionally or with reckless disregard, any confidential information,
666 including information obtained at meetings which are closed pursuant to Chapter 14 of
667 Title 50 of the O.C.G.A. concerning the property, government, city employees'
668 confidential or privileged information, or other affairs of the city without proper legal
669 authorization; or use such information to advance the financial or other private interests
670 of himself, herself, his or her family, or others;

671 (4) Accept any valuable gift or other thing of value from any one source in an amount
672 of \$100.00 or more, in the aggregate, in any calendar year, whether in the form of a
673 service, food, loan, property, thing, or promise, from any person, firm, limited liability
674 company, corporation, or other legal entity which, to his or her knowledge, is or will be
675 interested, directly or indirectly, in any manner whatsoever in business dealings with the
676 city; provided, however, that an elected official who is a candidate for public office may
677 accept campaign contributions in connection with his or her election campaign in
678 accordance with Georgia law, and which are disclosed under the campaign finance rules
679 set forth by law and regulation;

680 (5) Represent other persons', business' or entities' private interests or claims in any action
681 or proceeding against the city or any portion of its government; provided, however, that

it shall not be a conflict of interest for a councilmember or appointed official to pursue any personal legal claim in any action or proceeding against the city;

(6) Vote or otherwise participate in the negotiation of or making of any contract with any person, business, limited liability company, corporation, or other legal entity in which he or she has a financial interest;

(7) Use of public property. No elected official, appointed officer, or employee of the city shall use property owned by the city for personal benefit, convenience, or profit but shall use such property only in their capacity as an officer or employee of the city, except in accordance with policies prescribed by city council;

(8) Ineligibility of elected officials. Except where authorized by law, neither the mayor nor any councilmember shall hold any other elected or appointed office in the city or otherwise be employed by the city during the term for which that official was elected or appointed. No former mayor or councilmember shall hold any appointed office in the city until one year after the expiration of the term for which the incumbent official was elected or after his or her seat is vacated;

(9) Political activities of certain officers, employees, and board members:

(A) No appointed officer, employee, or appointed board member of the city shall continue in such employment or appointment upon qualifying as a candidate for nomination or election to any public office for the city, regardless whether such employment or appointment is inconsistent, incompatible or in conflict with the duties of the city employee or board member; and/or

(B) No appointed officer or employee or board member of the city shall continue in such employment or appointment upon qualifying for or election to any public office or appointment to another public office of another municipality, county, or other governing authority which is inconsistent, incompatible, or in conflict with the duties of the city employee, officer, or board member. Such determination shall be made by the city manager at any time such potential or actual conflict of interest arises. Any dispute as to whether the city employee, officer, or board member's anticipated responsibilities for the other government office are inconsistent, incompatible or in conflict with their duties for the city shall be resolved by city council.

(c) Disclosure.

(1) Any appointed officer, board member, or employee of the city who has any conflict of interest as defined in this article or other private financial or other interest, directly or indirectly, in any contract, business, or matter pending or contemplated with the city or contemplated to be before city council shall disclose such conflict or private interest to the city manager for his or her consideration and appropriate action.

(2) Any councilmember who has any conflict of interest as defined in this article or other private financial or other interest, directly or indirectly, in any contract, business, or matter pending or contemplated with the city or contemplated to be before the city council shall disclose such conflict or private interest to the city manager, mayor, and city council. Such conflict or other private financial or other interest shall be disclosed, but the councilmember shall be required to identify the conflict of interest in a general manner only. The disclosing party shall not be required to reveal privileged business or otherwise confidential information held by the disclosing party which underlies the conflict. The disclosure of the conflict of interest shall be entered on the records of the city council. The councilmember having any conflict of interest shall disqualify himself or herself from participating in any discussion, decision, or vote related to the matter for which he or she is conflicted and shall leave the rostrum while the conflicted matter or issue is being considered by city council.

(d) Complaints of ethical violations.

(1) All complaints against city officials, employees, or appointees for alleged violations of this article shall be filed with the city clerk.

(2) All complaints shall be signed under oath with the city clerk, who shall note the date and time of its filing on the document face. A complaint shall be legibly written and shall clearly and concisely set forth the charges and specific paragraph subsections alleged to have been violated.

(3) Upon receipt of a proper complaint being filed, the city clerk shall serve the city official, also known as the respondent, within seven calendar days. Service upon the respondent may be made by personal service, by certified mail, return receipt requested, or by statutory overnight delivery with evidence of receipt by the respondent. At the same time, the city clerk shall transmit a certified copy of the complaint to the mayor, all members of city council, the city attorney, and the senior municipal court judge.

(4) Upon service of a complaint, a respondent may, but is not required to, file a written answer or response to the allegations alleged in a complaint. If a respondent elects to file a written answer or response, such answer or response shall be filed within ten business days after the respondent is served.

(5) To discourage the filing of ethics complaints solely for political purposes during an election year cycle, a complaint under this article made against or by a person seeking election or re-election as a candidate for office which is filed between the qualifying date for municipal office and the date of certification of the election results may, after consulting with the city attorney, be held by the city clerk and not processed until after the election results for that election cycle have been certified. If the city clerk elects to hold any complaint during this period, he or she shall notify the mayor and city council

in writing that a complaint has been filed and that, after consulting with the city attorney, the city clerk is invoking this section to hold, not process, and not serve the complaint until the official election results have been certified for that election year cycle. If the city clerk determines, after consulting with the city attorney, that a complaint should not be held, the city clerk will process the complaint as required in this article.

(e) Municipal court jurisdiction of complaints.

(1) The Municipal Court of the City of Port Wentworth shall hear and issue final decisions on all proper complaints filed under this section. The municipal court may establish such rules, processes, and procedures as it deems necessary to investigate, conduct hearings, and issue a final decision on complaints. The municipal court shall have subpoena authority to compel testimony, may request assistance of city staff, or may engage outside investigators as may be appropriate, at city expense, to aid the court in the investigation and adjudication of a complaint under this section.

(2) If a municipal court judge assigned to hear a complaint under this article determines that he or she has an actual or potential conflict of interest or determines for other reasons that he or she should recuse himself or herself from hearing the complaint, the assigned municipal court judge shall enter an order of recusal and reassign the matter to another judge or judge pro tem who will hear the complaint and issue a final decision.

(3) Upon receipt of a complaint in proper form, the municipal court judge shall initially review the complaint to determine whether the complaint is unjustified, frivolous, patently unfounded, or fails to state facts sufficient on its face to invoke the jurisdiction of the municipal court under this section.

(4) If the municipal court determines upon initial review that a complaint is unjustified, frivolous, patently unfounded, or fails to state facts sufficient on its face to invoke the jurisdiction of the municipal court, the court shall dismiss the complaint by written order. A dismissal upon initial review shall be considered a final decision for appeal purposes and shall not deprive a complainant of his or her right to take action or seek other remedies as such complainant might otherwise have under this section, at law or in equity.

(5) If the municipal court judge does not dismiss a complaint upon initial review, the municipal court shall conduct a hearing in accordance with any process and procedure the court may establish by order or otherwise. Such hearings shall be held by the court within 60 calendar days after a proper complaint is filed but in no event shall a hearing be held within ten business days of a respondent being served under this section.

(6) A complainant shall have the burden of proof to prove the allegations asserted in his or her complaint by a preponderance of the evidence. The respondent shall also have the

right, but no obligation, to present evidence in his or her defense or in mitigation. Further, the parties may be heard either personally or through counsel.

(7) At any hearing, the parties may examine and cross-examine witnesses and shall have subpoena authority to compel the production of witnesses, documents, or other evidence from any party or third party upon prior submission to and subject to approval of all subpoenas by the municipal court judge. This provision shall not preclude a party from filing a motion to quash any subpoenas the municipal court may approve.

(8) The municipal court may take sworn testimony and may receive documentary or other evidence in accordance with the rules of evidence or procedure adopted pursuant to this section.

(9) The municipal court shall:

(A) Within 30 days after the conclusion of a hearing, in written findings of fact and conclusions based thereon, issue a final decision concerning the propriety of the conduct of the official or employee named in a complaint; and

(B) The court's final decision shall recommend to the mayor and city council either that:

(i) All or portions of the complaint be dismissed for any reason and analysis set forth in the final decision; or

(ii) The court finds that one or more enumerated violations of this section occurred and that the final decision is referred to the mayor and city council for consideration, deliberation, and vote upon penalty, if any. The municipal court is not required to, but may, recommend a penalty to city council for its consideration. The municipal court judge's final decision shall be served upon all parties, the city clerk, and the city attorney. The city clerk, upon receipt of a final decision, shall forward the final decision to the mayor and city council for consideration, deliberation, and voting action at public meeting.

(10) The intent of this section is to provide the municipal court the maximum flexibility to establish due process and procedure to conduct any investigation and hearing required and shall not be construed to limit the municipal court's authority in any way to reach a just adjudication of any complaint filed under this section. It is also the intent of this article that, except as to the 30 day time to appeal to the superior court specified in subsection (g) of this section, the time deadlines set forth in this section shall be guidelines only and shall not be construed to be jurisdictional in any manner so as to invalidate by lapse of time a valid complaint, answer, or response or to in any way affect the jurisdiction of the municipal court itself or the mayor and city council to act upon any complaint or final decision of the municipal court.

(f) Penalties.

(1) Upon receipt of a final decision by the municipal court, the mayor and city council may place the final decision upon the agenda of the next regularly scheduled meeting of the city council for discussion, consideration, deliberation, and vote for penalties the mayor and city council may levy upon the party, if any;

(2) Any person found by municipal court final decision to have violated any provision of this section shall be subject, after majority vote of the mayor and city council, to:

(A) Public reprimand or censure by the mayor and city council;

(B) Issuance of a formal request for resignation by the mayor and council; or

(C) No penalty.

Nothing in this section shall preclude an official from being removed under the removal provisions set forth in Article V of this charter.

(3) Contracts voidable and rescindable. Any violation of this article which occurs with the knowledge, express or implied, of another party to a contract, sale, or business relationship with the city shall render said contract, sale or business relationship with the city voidable as to that party, at the option of the city council.

(g) Right to appeal.

(1) A complainant or respondent adversely affected by a final decision or resulting penalty action under this section may seek judicial review of such final decision or resulting city council penalty action as provided herein.

(2) A petition seeking judicial review of a final decision may be commenced by filing an application for a writ of certiorari in the Superior Court of Chatham County within 30 days after a final decision is rendered. The 30 day right to appeal shall be a subject matter jurisdiction limitation time to appeal, and failure of any affected party to file an application for writ of certiorari within that time period shall deprive the superior court of jurisdiction to hear any appeal.

(3) The filing of an appeal and application for judicial review shall act as a supersedeas writ and stay any penalty or action imposed by the city council until further order of the Superior Court of Chatham County.

SECTION 2.36.

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, employee, agency, chamber, board, or board member thereof, and for this purpose may use the city police department to assist with any investigation and may subpoena witnesses and documents. The city council shall obtain the advice and counsel of the city attorney as to the method, manner, and procedure of any

862 inquiry and investigation, to assist in the preparation of subpoenas, discovery requests, and
863 other documents to aid in any inquiry or investigation. Additionally, the mayor may
864 administer oaths and the city council may take testimony of any witness. Any person under
865 investigation who fails or refuses to obey a lawful order issued in the exercise of these
866 powers by the city council may be removed from their position.

867 **ARTICLE III**
868 **ADMINISTRATIVE AFFAIRS**

869 **SECTION 3.10.**
870 **Administrative and service departments.**

871 (a) Except as otherwise provided in this charter and general state law, the city council, by
872 ordinance, shall prescribe the functions or duties and establish, abolish, or alter all
873 nonelective offices, positions of employment, departments and agencies of the city, as
874 necessary for the proper administration of the affairs and government of the city.

875 (b) Except as otherwise provided by this charter or general state law, the directors or heads
876 of departments and other appointed officers of the city shall be appointed solely on the basis
877 of their respective administrative and professional qualifications.

878 (c) All appointive officers and directors of departments shall receive such compensation as
879 prescribed by ordinance or resolution.

880 (d) There shall be a director or head of each department or agency who shall be its principal
881 officer. Each director or department head shall, subject to the direction and supervision of
882 the city manager, be responsible for the administration and direction of the affairs and
883 operations of that director's department or agency.

884 (e) All appointed officers, directors, and department heads under the supervision of the city
885 manager shall be nominated by the city manager and appointment confirmed by the city
886 council. Recommendations may be made to the city manager from the mayor or any
887 individual councilmember, residents, or members of the public. All appointed officers,
888 directors, and department heads shall be employees "at will" and subject to removal or
889 suspension at any time by the city manager, with approval by the city council, unless
890 otherwise provided by law, ordinance, or approved human resource policy.

SECTION 3.11.**Boards, commissions, and agencies.**

(a) The city council shall create by ordinance such boards, commissions, and agencies to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary, and shall, by ordinance, establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and agencies of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or general state law.

(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or agency.

(d) No member of any board, commission, or agency shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or agency of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or general state law.

(f) No member of a board, commission, or agency shall assume office until he or she has executed and filed with the city clerk an oath obligating him or her to faithfully and impartially perform the duties of the office, such oath to be prescribed by ordinance and administered by the mayor.

(g) Any member of a board, commission, or agency may be removed from office, for cause, by a majority vote of the city council.

(h) Except as otherwise provided by the charter or by general state law, each board, commission, or agency of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. The mayor and city council may, by resolution or ordinance, establish such bylaws, rules, and regulations not inconsistent with this charter or general state law, governing the conduct of affairs of each board, commission, or agency of the city.

SECTION 3.12.**City attorney.**

(a) The city council shall appoint a city attorney, together with such assistant city attorneys as may be necessary, and shall provide for the payment of such attorney or attorneys for

925 services rendered to the city. The city attorney shall be responsible for representing and
926 defending the city in all anticipated or pending litigation in which the city is a party; shall
927 attend the meetings of the city council as directed; shall be allowed to participate in
928 discussions but not vote; shall advise the city council, mayor, and other officers, and
929 employees of the city concerning legal aspects of the city's affairs; shall be a special
930 prosecuting attorney to prosecute offenses arising out of violations of zoning ordinances,
931 subdivision regulations, similar land use regulations, or other ordinance violations; and shall
932 perform such other duties as may be required of him or her by virtue of his or her position
933 as city attorney or as required by the city council or the city manager.

934 **SECTION 3.13.**

935 City clerk.

936 The city council may appoint a city clerk who shall not be a councilmember. The city clerk
937 shall be the custodian of the official city seal; maintain official city records, city council
938 records, and minutes; and perform such other duties as may be required by the city council
939 and city manager.

940 **SECTION 3.14.**

941 Tax collector.

942 The city council may appoint a tax collector to collect all taxes, licenses, fees, and other
943 moneys belonging to the city, subject to the provisions of this charter and the ordinances of
944 the city, and the tax collector shall diligently comply with and enforce all general laws of
945 Georgia relating to the collection, sale, or foreclosure of taxes by the city.

946 **SECTION 3.15.**

947 City accountant.

948 The city manager may nominate, subject to approval of the city council, a city accountant or
949 accounting firm to perform the duties of an accountant.

950 **SECTION 3.16.**

951 Personnel policies.

952 As recommended and proposed by the city manager, the city council may adopt rules and
953 regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within a classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel policies as may be necessary to provide for the legal and proper handling of personnel affairs.

ARTICLE IV JUDICIAL BRANCH

SECTION 4.10.

Creation; name.

There shall be a city court established to be known as the Municipal Court of the City of Port Wentworth which shall have all powers enumerated in Chapter 32 of Title 36 of the O.C.G.A and this charter.

SECTION 4.11.

Judge.

- (a) The municipal court shall be presided over by a judge. The method of selection, qualifications, and term of such judge shall be established by general state law.
- (b) The compensation of the judge shall be payable in such manner as may be established or changed by ordinance.
- (c) The judge may be removed as provided by general state law.
- (d) Before entering on duties of his or her office, each judge shall take the oath substantially in the form set forth in Section 2.12 of this charter. The oath shall be entered upon the minutes of the city council.

SECTION 4.12.

Convening court.

Unless otherwise provided by ordinance, the municipal court judge shall convene at regular intervals and at such times as is necessary to secure the efficient and proper administration

984 of justice. The municipal court judge may also designate, set, and convene court, without
985 city council prior approval, at special times, dates, and places to secure the efficient and
986 proper administration of justice.

987 **SECTION 4.13.**

988 Jurisdiction; powers.

989 (a) The municipal court shall try and punish violations of city ordinances and such other
990 offenses as prescribed by general state law.

991 (b) The municipal court shall have authority to punish those in its presence for contempt,
992 provided that such punishment shall not exceed \$300.00 or 30 days in jail, or both, for any
993 one single act of contempt.

994 (c) The municipal court may fix punishment for offenses within its jurisdiction not
995 exceeding a fine of \$1,000.00 or imprisonment for 30 days in jail, or both, or may fix
996 punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by
997 law, including the right to punish by forced labor on the city streets, sidewalks, squares, or
998 other public works for a period not exceeding 120 days. The municipal court may, in
999 addition, fix punishment for offenses committed under general state law not exceeding those
1000 limits established by general state law.

1001 (d) The municipal court shall have authority to establish bond, bail, and recognizances to
1002 ensure the presence of those charged with violations before said court and shall have
1003 discretionary authority to accept cash, personal property, or real property as surety for the
1004 appearance of persons charged with violations. Whenever any person shall give bail for his
1005 or her appearance and shall fail to appear at the time fixed for trial, his or her bond shall be
1006 forfeited through procedures established by general state law. In the event that cash or
1007 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
1008 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
1009 shall be, on order of the judge, declared forfeited to the city or the property so deposited shall
1010 have a lien against it for the value forfeited, which lien shall be enforceable in the manner
1011 provided and to the same extent as a lien for city property taxes.

1012 (e) The municipal court shall have the authority to sit as a committing court, and to bind
1013 prisoners over to the appropriate court when it appears by probable cause that a state law has
1014 been violated.

1015 (f) The municipal court shall have the same authority as superior courts to compel the
1016 production of evidence in the possession of any party; to enforce obedience to its orders,
1017 judgments, and sentences; and to administer such oaths as are necessary.

1018 (g) The municipal court may compel the presence of all parties necessary to a proper
1019 disposal of each case or matter authorized by this charter and by general state law by the
1020 issuance of summonses, subpoenas, and warrants which may be served as executed by any
1021 officer as authorized by this charter or by general state law.

1022 (h) The municipal court is specifically vested with all the jurisdiction and powers throughout
1023 the entire area of the city granted by general state laws to mayors, recorders courts, and
1024 police courts, and particularly by such laws as authorize the abatement of nuisances and
1025 prosecution of traffic violations.

1026 **SECTION 4.14.**

1027 Appeal of municipal court decisions.

1028 The right of appeal of any case, matter, or bond as may be required to secure the costs on
1029 appeal to the Superior Court of Chatham County from the municipal court shall lie in the
1030 same manner and under the same procedure as generally prescribed for appeals to the
1031 superior court as set forth in Chapter 3 of Title 5 of the O.C.G.A.

1032 **SECTION 4.15.**

1033 Local rules of court.

1034 With the approval of the city council, the judge shall have full power and authority to make
1035 reasonable local rules and regulations necessary and proper to secure the efficient and
1036 successful administration of the municipal court; provided, however, that the city council
1037 may adopt, in part or in full, the rules and regulations applicable to the municipal court. The
1038 rules and regulations made or adopted shall be filed with the city clerk and municipal court
1039 clerk, shall be available for public inspection, and, upon request, a copy shall be furnished
1040 to all defendants in municipal court proceedings at least 48 hours prior to scheduled
1041 proceedings.

1042 **SECTION 4.16.**

1043 Absence of judge.

1044 (a) Subject to subsection (b) of this section, in the event that the judge is absent, recuses
1045 himself or herself, or is otherwise unavailable for court, a substitute judge pro tempore shall
1046 be selected by the municipal court judge, subject to the approval of the city council who shall
1047 ensure that only judges pro tem are selected who meet the qualifications prescribed in this
1048 charter for appointed part-time, full-time, or stand-by judges.

1049 (b) In addition to the judge provided for in Section 4.11 of this charter, the municipal court
1050 may be presided over by such part-time, full-time, or stand-by judges pro tempore. All
1051 judges pro tempore shall possess all qualifications required by law and this charter. Judges
1052 shall not be required to be a resident of the city. All judges pro tem shall be selected by the
1053 municipal court judge and shall serve until a successor is appointed and qualified.
1054 Compensation of the judges pro tempore shall be fixed by ordinance. Judges pro tempore
1055 shall serve at will and may be removed from office at any time by the judge of the municipal
1056 court or the city council as provided by general law. Before assuming office, each judge pro
1057 tempore shall take an oath substantially in the form required by subsection (d) of
1058 Section 4.11 of this charter and the oath shall be entered upon the minutes of the city council.

1059 **SECTION 4.17.**

1060 Vacancy; filling of vacancies.

1061 (a) Vacancy. The office of judge shall become vacant upon the incumbent's death,
1062 resignation, forfeiture of office, or removal from office in any manner authorized by this
1063 charter or the general laws of the State of Georgia.

1064 (b) Filling of vacancy. A vacancy in the office of municipal judge shall be filled for the
1065 remainder of his or her unexpired term, if any, or as provided by ordinance.

1066 **SECTION 4.18.**

1067 Prosecuting attorney and assistant prosecuting attorneys.

1068 (a) The municipal court shall have a prosecuting attorney and other assistant prosecuting
1069 attorneys as needed who shall be nominated by the chief of police and approved by the city
1070 manager who shall ensure that only prosecuting attorneys are selected who meet the
1071 qualifications prescribed in this article.

1072 (b) The term of office for prosecuting attorney and assistant prosecuting attorneys shall be
1073 provided by ordinance and subject to good behavior and at the discretion of the city manager.

1074 (c) The qualifications for the office of prosecuting attorney and assistant prosecuting
1075 attorneys shall be as follows:

1076 (1) Be a member in good standing of the State Bar of Georgia with a minimum of five
1077 years' practice as an attorney;

1078 (2) Not be required to be a resident of the City of Port Wentworth; and

1079 (3) Practice law in the Eastern, Ogeechee, or Atlantic Judicial Circuit.

1080 (d) The prosecuting attorney and assistant prosecuting attorneys of the municipal court shall
1081 receive compensation for services in an amount and in a manner as approved by city council
1082 ordinance or annual budget item.

1083 (e) Before entering on the duties of office, the prosecuting attorney and assistant prosecuting
1084 attorneys shall take an oath that they will honestly and faithfully discharge the duties of said
1085 office to the best of their skill, knowledge, and ability without fear, favor, or partiality to any
1086 party. The oath shall be entered upon the minutes of the municipal court and city council
1087 minutes and is substantially in the form as required in subsection (d) of Section 4.11 of this
1088 charter.

1089 **SECTION 4.19.**

1090 Duties.

1091 It shall be the duty of the prosecuting attorney and assistant prosecuting attorneys to
1092 investigate, prepare, prosecute, or otherwise dispose of all violations of state criminal statutes
1093 or city ordinances as may be properly brought before the municipal court. In addition, any
1094 appeals taken by persons aggrieved with municipal court decisions shall be defended by the
1095 prosecuting attorney, assistant prosecuting attorneys, or the city attorney acting as special
1096 assistant, as authorized by Section 3.12 of this charter.

1097 **SECTION 4.20.**

1098 Absence of prosecuting attorney.

1099 In the prosecuting attorney's absence or disability, an assistant prosecuting attorney shall act
1100 as prosecuting attorney. If there is no assistant prosecuting attorney, then the chief of police,
1101 with the approval of the city manager, who shall ensure that only prosecuting attorneys are
1102 selected who meet the qualifications prescribed in this article.

1103 **SECTION 4.21.**

1104 Vacancy; filling of vacancies; office of prosecuting attorney.

1105 (a) The office of prosecuting attorney shall become vacant upon the incumbent's death,
1106 resignation, forfeiture of office, or removal from office in any manner authorized by this
1107 charter or the general laws of the State of Georgia.

1108 (b) A vacancy in the office of prosecuting attorney shall be filled for the remainder of the
1109 term, if any, as provided in this article.

SECTION 4.22.

Chief municipal court clerk.

(a) The municipal court shall have a chief clerk of the municipal court and one or more deputy clerks.

(b) The chief clerk of the municipal court and deputy clerks shall be nominated by the chief of police, with the approval of the city manager.

(c) The term of office for the chief clerk of the municipal court and deputy clerks shall be according to their good behavior and at the discretion of the chief of police and the city manager.

(d) The compensation of the chief clerk of the municipal court and deputy clerks shall be established by ordinance or annual budget item.

SECTION 4.23.

Duties of chief municipal court clerk.

(a) The chief clerk of the municipal court shall be the custodian of the official court records, establish and manage case calendars and dockets, collect fines imposed by the municipal court, transmit records of all cases bound over or appealed to the state or superior courts of Chatham County from the municipal court, and perform such other duties as may be provided by ordinance or city policy.

(b) The chief clerk of the municipal court shall be a city employee. The chief clerk of the municipal court shall provide administrative services to the municipal court, act as liaison to the police department, supervise all other court personnel on municipal court business, and perform such other duties as may be required or prescribed by ordinance or city policy.

SECTION 4.24.

Vacancies; filling of vacancies; office of chief clerk of the municipal court.

(a) The office of chief clerk of the municipal court shall become vacant upon the chief clerk's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(b) A vacancy in the office of chief clerk of the municipal court shall be filled as provided in this article, by ordinance or city policy.

1139 ARTICLE V
1140 ELECTIONS AND REMOVAL

1141 SECTION 5.10.
1142 Applicability of general law.

1143 All city elections shall be conducted in accordance with Chapter 2 of Title 21 of the
1144 O.C.G.A., the "Georgia Election Code," and other applicable provisions of general state law.

1145 SECTION 5.11.
1146 Election of the mayor and city council.

1147 The mayor and each councilmember shall be elected for staggered terms of four years.
1148 Effective for all general municipal elections occurring in 2022 and in subsequent years, the
1149 city shall consist of four election districts as provided in Section 5.14 of this charter. The
1150 initial election of mayor and councilmembers for Districts 1 and 3 and one "at large"
1151 councilmember position shall be held on the Tuesday next following the first Monday in
1152 November 2021. The initial election for councilmembers for Districts 2 and 4 and one "at
1153 large" councilmember position shall be held on the Tuesday next following the first Monday
1154 in November 2023.

1155 SECTION 5.12.
1156 Present mayor and councilmembers shall serve until successors elected.

1157 The mayor and councilmembers in office on the effective date of this charter shall serve out
1158 the terms to which they were elected or appointed as the official governing body of the city,
1159 and shall continue to serve until their successors are elected as provided herein. The
1160 approval of this charter shall not create any vacancy in the office of mayor or any
1161 councilmember; and the city shall continue its present business operations as usual.

1162 SECTION 5.13.
1163 Councilmembers elected by districts.

1164 (a) Effective for all municipal elections occurring in 2021 and all subsequent years, the
1165 territory of the city shall consist of four election districts to be designated respectively as
1166 Districts 1 through 4 plus two "at large" councilmember seats which shall not be designated
1167 numerically or otherwise.

1168 (b) The Election Districts shall be shown on an Official Election District Map, a copy of
1169 which shall be kept at city hall, shown on the city's website and at such other places as the
1170 city council may designate.

1171 (c) The Official Election District Map in effect on the effective date of this charter shall
1172 continue in full force an effect until updated or amended as provided herein or by state law.

1173 **SECTION 5.14.**

1174 Definitions.

1175 (a) The terms "district," "tract," "block," and "VTD" shall mean and describe the same
1176 geographical boundaries as provided in the report of the Bureau of the Census for the United
1177 States decennial census of 2000 for the State of Georgia.

1178 (b) The term "precinct" is synonymous with the term "voting precinct," and means a
1179 geographical area designated by Article 7 of Chapter 2 of Title 21 of the O.C.G.A., within
1180 which all electors vote at one polling place.

1181 (c) Precinct names and designations following VTD designations are included for
1182 convenience only; and in the event the description of any election district contains a conflict
1183 between the geographical boundaries of any VTD and the boundaries of the following named
1184 precinct, the geographical boundary of the VTD as shown on the census maps for the United
1185 States decennial census of 2000 for the State of Georgia shall control.

1186 (d) Any part of the City of Port Wentworth which is not included in any election district
1187 described in this subsection or the Official Map shall be included within that election district
1188 contiguous to such part which contains the least population according to the United States
1189 decennial census of 2000 for the State of Georgia.

1190 (e) Any part of the City of Port Wentworth which is described in this subsection as being
1191 included in a particular election district shall nevertheless not be included within such
1192 election district if such part is not contiguous to such election district. Such noncontiguous
1193 part shall instead be included within that election district contiguous to such part which
1194 contains the least population according to the United States decennial census of 2000 for the
1195 State of Georgia.

1196 (f) Only the electorate of each of the four individual election districts shall be entitled to vote
1197 in the election for the councilmember to be elected from the district up for election. The
1198 electorate of all four of the election districts shall be entitled to vote in the election for the
1199 mayor and "at large" councilmember position up for election.

1200 (g) The election district boundaries of the city may be reapportioned following the
1201 publication of each official federal decennial census of the population of the city, if required
1202 by general law. Such reapportionment shall be accomplished by the adoption of an

1203 amendment to this charter. The reapportionment of election districts shall comply with the
1204 following specifications:

1205 (1) Each election district shall be formed of contiguous territory, and its boundary lines
1206 shall be the centerlines of streets or other well-defined boundaries as utilized by the
1207 United States Bureau of the Census; and

1208 (2) Such election districts shall be as nearly equal in population as practicable.

1209 (h) Any reapportionment of election districts shall apply to the officials of the city elected
1210 at the next municipal general election following such reapportionment; provided, however,
1211 that any reapportionment ordinance shall not apply to any regular election or special election
1212 held within three months of the effective date of the amendment.

1213 **SECTION 5.15.**

1214 Voters; voter registration.

1215 The city council shall provide for the city clerk or such other person as may be designated
1216 by city council to be the voter registrar who shall maintain suitable books or records for the
1217 permanent registration of voters in city elections. Every person, upon registering to vote,
1218 shall take the following oath:

1219 "I do hereby solemnly swear that I am 18 years of age or more, that I will have been a
1220 resident of the City of Port Wentworth for six months on or before the date of the next city
1221 election, and that I am qualified to vote for members of the General Assembly."

1222 The voter registrar of the city is hereby given the authority to administer the above oath to
1223 persons registering to vote. No person registering shall be required to again register as a
1224 qualified voter of the city as long as he or she remains a resident thereof and does not
1225 otherwise become disqualified. Whenever an election is to be held for the city, the voter
1226 registrar shall close the voter registration records 30 days before any upcoming city election
1227 and only those voters who have properly and timely registered shall be allowed to vote in a
1228 city election. It shall be the duty of the voter registrar to make a list of the voters qualified
1229 for each election; to certify said list of qualified voters; and to provide the list of qualified
1230 voters to those institutions, boards, commissions, or other government entities authorized and
1231 required by law to receive the information. The city council is hereby authorized to provide
1232 additional rules and regulations by ordinance regarding the registration of voters for the city.

SECTION 5.16.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any obligations and duties to conduct municipal elections under general state law, as amended.

SECTION 5.17.

Nonpartisan elections.

Political parties shall not conduct primaries for elected city offices, and all names of candidates for city offices shall be listed without party labels on the official ballot.

SECTION 5.18.

Election by plurality.

The person receiving a plurality of the votes cast for any elected city office shall be elected.

SECTION 5.19.

Grounds for removal of elected officials.

The mayor and councilmembers may be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

SECTION 5.20.

Procedure for removal of elected officials.

Removal of an elected official may be accomplished by recall election, by an order of the Superior Court of Chatham County, or by such other method as may be prescribed by the laws of the State of Georgia, as amended.

ARTICLE VI**FINANCE****SECTION 6.10.**

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and Chatham County. This tax is for the purpose of raising revenues to defray the costs of operating the city government; providing governmental services; for the repayment of principal and interest on general obligations; and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and in what length of time these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The city council, by ordinance, shall have the power to levy such occupation or business taxes as are authorized by state law. Such taxes may be levied on individuals, corporations, limited liability companies, or other legal entities who transact business in the city or who practice or offer to practice any profession or calling therein, to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses, permits, and fees.

The city council, by ordinance, shall have the power to require any individuals, corporations, limited liability companies, or other legal entities who transact business in the city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general state law in such a way as to preclude city regulation. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The city council, by ordinance, may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitates.

SECTION 6.14.

Franchises.

The city council shall have the power to grant franchises for the use of the city's streets and other property for the purpose of railroads, street railways, telephone and cellular telephone companies, electric companies, cable television companies, internet companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years, and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book to be kept by the city clerk. The city council may provide, by ordinance, for the registration within a reasonable time of all franchises previously granted.

SECTION 6.15.

Service charges.

The city council, by ordinance, shall have the power to assess and collect fees, charges, and tolls for sewer, sanitary, health services, or any other services rendered within and without the corporate limits of the city, for the total cost to the city of providing such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Special assessments.

The city council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.17.

Construction; other taxes and fees.

The city shall be empowered to levy any other tax, assessment or fee allowed now or hereafter authorized by state law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of the city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes and fees.

The city council, by ordinance, shall provide generally for the collection of delinquent taxes, fees, assessments, debts, or other revenue due the city under this charter by whatever reasonable means as are not precluded by general state law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas; creation and priority of liens; making delinquent taxes and fees the personal debts of the persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes, assessments or fees, allowing exceptions for hardship; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the general laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuances by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds shall be paid out of any revenue produced by the project, program, or venture for which they are issued.

SECTION 6.21.

Short-term promissory notes.

The city may obtain and must repay any short-term loans within one year of the date a promissory note is made, or as is otherwise provided by general state law, as amended.

SECTION 6.22.

Fiscal year.

The city council shall set the fiscal year by ordinance. The fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government, unless otherwise provided by general state or federal law.

SECTION 6.23.

Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the city manager's preparation and presentation of the annual operating and capital improvement budgets to the city council, including requirements as to the scope, content, and form of such budget and the process for approval by the city council.

SECTION 6.24.

Action by city council on budget.

(a) The city council may amend the operating and capital improvement budget; except, that the budget, as finally amended and adopted, must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

1368 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
1369 fiscal year not later than 15 days prior to the beginning of such fiscal year. If the city council
1370 fails to adopt the budget by this date, the amounts appropriated for operation for the current
1371 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,
1372 with all items prorated accordingly until such time as the city council adopts a budget for the
1373 ensuing fiscal year. Such adoption shall take the form of an appropriations ordinance setting
1374 out the estimated revenues in detail by sources and making appropriations according to fund
1375 and by organizational unit, purpose, or activity as set out in the budget preparation under
1376 Section 6.23 of this charter.

1377 (c) The amount set out in the adopted operating budget for each organizational city division,
1378 department, or unit shall constitute the annual appropriation for such, and no expenditure
1379 shall be made or encumbrance created in excess of the otherwise unencumbered balance of
1380 the appropriations or allotment thereof to which it is chargeable. The operating and capital
1381 improvements budget, the budget message, and all supporting documents shall be filed in the
1382 office of the city clerk and shall be open to public inspection.

1383 **SECTION 6.25.**

1384 Tax levies.

1385 As the next order of business following adoption of the operating budget, the city council
1386 shall levy, by ordinance, such taxes as are necessary. The taxes and tax rates set by such
1387 ordinance shall be such that reasonable estimates of revenues from such levy shall at least
1388 be sufficient, together with other anticipated revenues, fund balances, and applicable
1389 reserves, to equal the total amount appropriated for each of the several funds set forth in the
1390 annual operating budget for defraying the expenses of the general government of the city.

1391 **SECTION 6.26.**

1392 Changes in appropriations.

1393 The city council, by ordinance, may make changes in the appropriations contained in the
1394 current operating budget, at any regular meeting, special meeting, or emergency meeting
1395 called for such purpose, but any additional appropriations may be made only from an existing
1396 unappropriated surplus in the fund to which it applies or on a revised estimate of revenue.

SECTION 6.27.**Independent audit.**

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant nominated by the city manager and approved by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.

SECTION 6.28.**Contracting procedures.**

The city council may, by ordinance, establish contracting procedures; provided, however, that no contract with the city shall be binding on the city unless:

(1) It is in writing;

(2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate approval as to form and substance;

(3) It is reviewed as to substance by the city manager or the director of the department most affected by the contract, signed by the city manager or such director to indicate approval as to substance, and signed by the mayor; and

(4) If a contract involves the expenditure of more than \$25,000.00, the contract must be approved by city council, and such approval shall be entered in the city council minutes.

SECTION 6.29.**Centralized purchasing and contractual payments.**

(a) The city council may, by ordinance, prescribe procedures for a system of centralized purchasing for the city, including comprehensive bidding procedures for the purchase of assets and the award of contracts; provided, however, that unless otherwise authorized by law, purchases or contracts involving the expenditure of more than \$25,000.00 shall be awarded by competitive sealed bid or proposal and shall be approved by city council. If a contract involves the expenditure of \$25,000.00 or less, the city manager may or may approve and enter into any contract, provided all city manager approved contracts are made to be part of the public record.

(b) If a contract has been approved by the city council, the city manager may make all payments, periodic or otherwise, pursuant to an approved contract without subsequent city

1429 council approval of such payment. If, however, there are change orders or other substantive
1430 changes to a contract which were not approved by city council, all such change orders or
1431 substantive contract changes shall be approved by city council before payment, periodic or
1432 otherwise, may be made.

1433 **SECTION 6.30.**

1434 Sale of city property.

1435 The city council may sell and convey any real or personal property owned or held by the city
1436 for governmental or other purposes as provided by general state law.

1437 **SECTION 6.31.**

1438 Insurance.

1439 The city shall maintain sufficient casualty and liability insurance coverage on all property
1440 owned or operated by city personnel to adequately indemnify the city on claims of loss by
1441 injured or aggrieved parties. The amounts of insurance coverage shall be set from time to
1442 time by the city council by ordinance or city policy, as the need arises.

1443 **ARTICLE VII**

1444 **GENERAL PROVISIONS**

1445 **SECTION 7.10.**

1446 Eminent domain.

1447 The city council is hereby empowered to acquire, construct, operate, and maintain public
1448 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
1449 sewers, drains, sewage treatment, water works, electrical systems, gas systems, airports,
1450 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention
1451 facilities, penal and medical institutions, agencies and facilities, and any other public
1452 improvements inside or outside the city, and to regulate the use thereof, and for such
1453 purposes, property may be taken under Title 22 and Title 32 of the O.C.G.A. or other
1454 applicable provisions of state law.

SECTION 7.11.

Official bonds.

The officers and employees of the city, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as the city council shall from time to time require, by ordinance, or as may be provided by state law.

SECTION 7.12.

Prior ordinances.

All ordinances, bylaws, rules, and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

SECTION 7.13.

Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be dealt with by such city agencies, departments, personnel, or offices as may be provided by the city council.

SECTION 7.14.

Penalties.

The violation of any provisions of this charter for which a penalty is not specifically provided for herein shall be punishable by a fine of not more than \$1,000.00 or by imprisonment not to exceed 120 days, or both, or a sentence upon conviction to labor in a city work gang or on the streets, sidewalks, squares, or other public works for a period not exceeding 120 days.

SECTION 7.15.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is intended to be mandatory, and the word "may" is permissive.

1482 (c) The singular shall include the plural, and the masculine shall include the feminine, and
1483 vice versa.

1484 **SECTION 7.16.**

1485 Severability.

1486 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1487 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1488 or impair the remaining parts of this charter, unless it clearly appears that such other parts
1489 are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it
1490 being the legislative intent in enacting this charter that each article, section, subsection,
1491 paragraph, sentence, or part thereof be enacted separately and independent of each other.

1492 **SECTION 7.17.**

1493 Specific repealer.

1494 An Act incorporating the City of Port Wentworth, approved February 6, 1957 (Ga. L. 1957,
1495 p. 2003), is hereby repealed in its entirety, and all amendatory acts thereto are likewise
1496 repealed in their entirety.

1497 **SECTION 7.18.**

1498 General repealer.

1499 All laws and parts of laws in conflict with this Act are hereby repealed.